IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3551 of 1982

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BARODA CHEMICAL INDUSTRIAL LTD

Versus

STATE OF GUJARAT

Appearance:
Shri Paresh M. Dave for Shri SH SANJANWALA for petitioner.
Shri N.D. Gohil, ASSTT GOVERNMENT PLEADER for Respondent No. 1-3

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 11/09/2001

ORAL JUDGEMENT (Per : MR.JUSTICE RAVI R.TRIPATHI)

The present petition is filed challenging various orders demanding excise duty passed against the petitioner.

2. On 9.9.1982 this Court passed an order as under:

"Leave to amend and substitute the name of the Director.

Rule. Mr.Hava waives notice.

Learned counsel for petitioner states that he will file appeals against the orders of demand on or before September 30, 1982. In case such appeals are filed the State will not raise any plea regarding bar of limitation and shall dispose of the same on merits after affording reasonable opportunity to petitioner.

Licence of petitioner shall be renewed from time to time whenever necessary till the appeals are disposed of and for a period of thirty days thereafter. Fifty per cent of the arrears which are the subject matter of the present petition to be paid on or before September 30, 1982. Appeals to be heard only after the fifty per cent of the arrears are paid. For the remaining fifty per cent bank guarantee to be furnished.

S.O. to Oct. 11, 1982."

3. Today when the matter is taken up for hearing, neither learned advocate for the petitioner nor the learned Assistant Govt. Pleader for the respondents has any information as to whether an appeal(s) were filed pursuant to the order aforesaid and if filed, whether same are pending or decided, if decided what is the outcome. In view of that we dispose of this petition with a liberty to take recourse to the remedy available to the petitioner in case decision in appeal(s) is against the petitioner. Rule is discharged. Interim order is vacated. No order as to costs.

(D.M. Dharmadhikari, C.J.)

(Ravi R. Tripathi, J.)

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